IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 5857 of 2007(V)

PETITIONER:

M.A.NAZER, S/O.ALIYAR KUNJU, AGED 43, NAGAMPADAM, KOTTAYAM, MANAGING PARTNER, M/S.SHARON TEXTILES.

BY ADV. SRI.SABU S.KALLARAMOOLA

RESPONDENTS:

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1. STATE OF KERALA, REP. BY SECRETARY, LOCAL SELF GOVT., SECRETARIAT, THIRUVANANTHAPURAM.

2. THE KOTTAYAM MUNICIPALITY, KOTTAYAM, REP. BY ITS SECRETARY

3. THE SECRETARY, KOTTAYAM MUNICIPALITY, KOTTAYAM.

R1 BY GOVT.PLEADER SMT.T.B.RAMANI
R2 & R3 BY ADV.SRI.C.S.MANILAL, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.5857 OF 2007

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DATED THIS THE 21ST FEBRUARY, 2007

J U D G M E N T

Mr.C.S.Manilal, Standing Counsel takes notice for Kottayam Municipality.

The grievance of the petitioner who is licensee of a shop room belonging to the Kottayam Municipality is that in spite of Ext.P8 G.O., the Municipality is insisting that the petitioner shall pay penal interest also on the arrears of licence fee. According to the petitioner, the Government has exempted similar licensees from the liability of paying penal interest.

2. I do not propose to decide the issue. Having regard to the submissions addressed before me by Sri.Sabu S.Kallaramoola, counsel for the petitioner and Sri.C.S.Manilal, Standing Counsel for the Municipality, I am of the view that at this stage itself the Writ Petition can be disposed of with the following directions:-

The petitioner will pay the principal amount of Rs.1,08,296/- in three equal monthly instalments, the first instalment being payable on the 1st of March, 2007 and the subsequent instalments payable on the 1st of April and 1st of May, 2007 respectively. Once it is seen that the petitioner has remitted the first instalment as directed above, the

Municipality will take up Ext.P9 representation and take a correct and just decision on Ext.P9 in the light of Ext.P8 and the other grounds raised in the Writ Petition. Decision as directed above will be taken at its earliest and at any rate within three months of the petitioner making payment of the first instalment. Once decision is taken, the petitioner will be informed of the same.

The Writ Petition is disposed of as above.

(PIUS C. KURIAKOSE, JUDGE)

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